an application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding commitment, an additional application fee of $1.50 per thousand dollars computed upon the amount of the increase requested shall accompany the application. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of the amount of the increase. The additional commitment fee shall be paid within 30 days after the date of the issuance of the amended commitment. If the additional commitment fee is not paid within 30 days, the commitment for the increased amount will expire and the previous commitment will be reinstated. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of increase in commitment. Where insurance of advances are involved, the additional inspection fee shall be paid at the time of initial endorsement. Where insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or if construction has begun, it shall be paid with the application for increase.

(2) *Increase in mortgage between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the mortgage, either by amendment or by substitution of a new mortgage, an additional application fee of $1.50 per thousand dollars computed on the amount of the increase requested shall accompany the application. The approval of any increase in the amount of the mortgage shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3 per thousand dollars of the amount of the increase granted. If an inspection fee was required in the original commitment, an additional inspection fee shall be paid in an amount not to exceed $5 per thousand dollars of the amount of the increase granted. The additional commitment and inspection fees shall be paid within 30 days after the increase is granted.

(3) *Loan to cover operating loss.* In connection with a loan to cover operating losses during the first 2 years following completion of the project, a combined application and commitment fee of $3 per thousand dollars shall be paid on the amount of the commitment issued. Such fee shall be paid within 30 days after the issuance of the commitment to insure such loan.

(g) *Reopening of expired commitments.* An expired commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. A commitment which has expired because of failure to pay the commitment fee may be reopened only upon payment of the commitment fee and the reopening fee. If the reopening request is not received by the Commissioner within the required 90-day period, a new application, accompanied by an application fee, must be submitted. If a commitment for an increased amount has expired because of failure to pay an additional commitment fee based on the amount of the increase, the reopening fee shall be computed on the basis of the amount of the commitment increase rather than on the amount of the original commitment.

(h) *Transfer fee.* Upon application for approval of a case involving the transfer of physical assets or involving the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars shall be paid on the original face amount of the mortgage.

(i) *Refund of fees.* If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire application fee or any portion thereof may be returned to the applicant. Commitment, inspection and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that there is a lack of need for the housing or that the construction or financing of the project has been prevented because of condemnation proceedings or other type of legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine. A transfer fee may be refunded only in such instances as the Commissioner may determine.

In Part 1100, Subpart A, a new § 1100.11 is added to read as follows:

§ 1100.11 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

(Sec. 1101, 80 Stat. 1255, 1274; 12 U.S.C. 1749aaa–1 et seq.)

Issued at Washington, D.C., October 23, 1969.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 69-12925; Filed, Oct. 29, 1969; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

TIME FOR FILING BRIEF WITH APPEALS COUNCIL; DIRECT PAYMENT OF ATTORNEY'S FEES

Subpart J of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations as amended (20 CFR Part 404) is amended as follows:

1. Section 404.942 is revised to read as follows:

§ 404.942 Appeals Council proceedings on certification and review; procedure before Appeals Council on certification by the hearing examiner.

When a case has been certified to the Appeals Council by a hearing examiner with his recommended decision (see § 404.939), the hearing examiner shall mail notice of such action to the parties at their last known addresses. The parties shall be notified of their right to file with the Appeals Council within 10 days from the date of mailing of the recommended decision, briefs or other written statements of exceptions or allegations as to applicable fact and law, except in the case of suspension or disqualification (see § 404.985(b)). Upon request of any party made within such 10-day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be extended, as appropriate. Where there is more than one party, copies of such briefs or written statements shall be filed in sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council. Copies or a statement of the contents of the documents or other written evidence received in evidence in the hearing record, and a copy of the transcript of oral evidence adduced at the hearing, if any, or a condensed statement thereof shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived. When a case has been certified to the Appeals Council by a hearing examiner for decision any party shall be given, upon his request, a reasonable opportunity to appear before the Appeals Council for the purpose of presenting oral argument.

2. Section 404.950(b) is revised to read as follows:

§ 404.950 Decision by Appeals Council or remanding of case.

* * * * *

(b) *Case remanded to hearing examiner.* Where a case is remanded to a hearing examiner, he shall initiate such additional proceedings and take such other action (under §§ 404.919 through 404.940) as is directed by the Appeals Council in its order of remand. The hearing examiner may take any additional action not inconsistent with the order of remand. Upon completion of all action called for by the order of remand and any other action initiated by the hearing examiner, the hearing examiner shall promptly (1) issue a decision in writing which contains findings of fact and a statement of reasons, or (2) when so directed by the Appeals Council, return the case with his recommended decision to the Appeals Council for its decision. A copy of the decision shall be mailed to each party at his last known address. When a recommended decision is issued, the hearing examiner shall also notify each party of his right to file with the Appeals Council within 10 days from the date of mailing of the recommended decision, briefs or other written statements of exceptions and allegations as to applicable fact and law, except in the case of suspension or disqualification (see § 404.985(b)). Upon request of any party made within such 10-day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be extended, as appropriate.

* * * * *

3. In § 404.975, paragraph (e) is revised to read as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

* * * * *

(e) *Administrative review of fee determination.* Administrative review of a fee determination will be granted only if a request is filed by either the representative or the claimant within 30 days of the date of the notice of the fee determination. The request for administrative review shall be in writing and filed at an office of the Administration and a copy sent to the other party. Upon the filing of such request for review of a fee determination, an authorized official of the Administration who did not participate in the fee determination in question will review the determination.

(Secs. 205, 206, 1102, 1872, 53 Stat. 1368, as amended, 53 Stat. 1372, as amended, 49 Stat. 647, as amended, 79 Stat. 332; sec. 5, Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 406, 1302, 1395(ii))

4. *Effective date.* These regulations shall be effective upon publication in the FEDERAL REGISTER.

Dated: October 8, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 24, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-12974; Filed, Oct. 29, 1969; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION

PART 34—ADMINISTRATION OF A PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Training in Sectarian Institutions

OCTOBER 23, 1969.

This notice is published in the exercise of rule-making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), Part 34, Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the revision of §§ 34.5 and 34.9. These revisions remove the exception with respect to sectarian schools, on the basis of Public Law 90-280 (82 Stat. 71), and thereby permit the approval of vocational training for adult Indians, under section 1, 70 Stat. 986 and section 1(a), 77 Stat. 471 (25 U.S.C. 309), in accredited sectarian institutions of higher education and in other accredited sectarian schools offering vocational and technical training. Since this revision removes a restriction, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (Supp. II, 1965-1966). Accordingly, these revisions will become effective upon publication in the FEDERAL REGISTER.

As revised, § 34.5 reads as follows:

§ 34.5 Approval of courses for vocational training at institutions.

A course of vocational training at any institution, public or private, offering vocational training, or with any school of nursing offering a 3-year course of study leading to a diploma in nursing which is accredited by a recognized body or bodies approved for such purpose by the Secretary, may be approved: *Provided,*

(a) The institution is accredited by a recognized national or regional accrediting association; or

(b) The institution is approved for training by a State agency authorized to make such approvals; and,

(c) It is determined that there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

As revised, § 34.9 reads as follows:

§ 34.9 Contracts and agreements.

Training facilities and services required for the program of vocational training may be arranged through contracts or agreements with agencies, establishments, or organizations. These may include:

(a) Appropriate Federal, State, or local government agencies, or

(b) Private schools which have a recognized reputation in vocational education as successfully obtaining employment for its graduates in the fields of training approved by the Secretary or his authorized representative, for purposes of the program, or

(c) Corporations and associations with apprenticeship or on-the-job training programs recognized by industry and labor as leading to skilled employment.

T. W. TAYLOR,
Deputy Commissinoner.

[F.R. Doc. 69-12951; Filed, Oct. 29, 1969; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Mount Rainier National Park, Wash.; Fishing, Mountain Climbing, and Elimination of Duplicated Material

On September 3, 1969, notice was published in the FEDERAL REGISTER (34 F.R. 13994) as a proposed rule making a proposed amendment of 36 CFR 7.5, relating to regulations on fishing and climbing and hiking.

That notice afforded all interested parties 30 days from date of publication within which to submit to the Superintendent of Mount Rainer National Park comments, suggestions, or objections. In view of the few comments by the general public, the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of its publication in the FEDERAL REGISTER.

By authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM 1 (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), as amended, National Park Service Order No. 4 (31 F.R. 5769), as amended, § 7.5 of Title 36 of the Code of Federal Regulations is amended as set forth below.

§ 7.5 Mount Rainier National Park.

(a) *Fishing.* (1) Fishing in lakes shall be from July 4 to October 31 inclusive.

(2) The following waters are closed to fishing:

(i) Tipsoo Lake.

(ii) Shadow Lake.

(iii) Klickitat Creek above the White River Entrance water supply intake.
(iv) Laughing Water Creek above the Ohanapecosh water supply intake.
(v) Frozen Lake.
(vi) Reflection Lakes.
(vii) Ipsut Creek above the Ipsut Creek Campground water supply intake.
(3) Except for artificial fly fishing, the Ohanapecosh River and its tributaries are closed to all fishing.
(4) There shall be no minimum size limit on fish that may be possessed.
(b) *Climbing and hiking.* (1) Registration with the Superintendent is required prior to and upon return from any climbing or hiking on glaciers or above the normal high camps such as Camp Muir and Camp Schurman.
(2) A person under 18 years of age must have permission of his parent or legal guardian before climbing above the normal high camps.
(3) A party traveling above the high camps must consist of a minimum of two persons unless prior permission for a solo climb has been obtained from the Superintendent. The Superintendent will consider the following points when reviewing a request for a solo climb: The weather prediction for the estimated duration of the climb, and the likelihood of new snowfall, sleet, fog, or hail along the route, the feasibility of climbing the chosen route because of normal inherent hazards, current route conditions, adequacy of equipment and clothing, and qualifying experience necessary for the route contemplated.

JOHN A. TOWNSLEY,
Superintendent,
Mount Rainier National Park.

[F.R. Doc. 69-12952; Filed, Oct. 29, 1969; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

MISCELLANEOUS AMENDMENTS

1. In § 21.4131(a), subparagraph (4) is added to read as follows:

§ 21.4131 Commencing dates.

The commencing date of an award or increased award of educational assistance allowance will be determined under this section.

(a) *Entrance or reentrance including change of program or school (§ 21.4234).* * * *

(4) Where an award has been discontinued under the provisions of § 21.4135 (e)(2), resumption, if in order, will be effective as of the commencing date of the succeeding regular term.

* * * * *

2. In § 21.4135, paragraph (e) is amended to read as follows:

§ 21.4135 Discontinuance dates.

The effective date of reduction or discontinuance of educational assistance allowance will be specified in this section. If more than one type of reduction or discontinuance is involved, the earliest date will control.

* * * * *

(e) *Course discontinued; course interrupted—intervals between terms.* (1) Last date of attendance or, if enrollment certified for ordinary school year and veteran or eligible person has completed one or more terms, but does not return for the next term, discontinuance will be effective the end of the term completed.
(2) Regardless of whether a school has certified enrollment for an ordinary school year, payment of educational assistance allowance will not be made for an interval between the fall and spring terms which extends for more than 30 consecutive calendar days in length and no intersession classes for which credit is granted are pursued. Discontinuance will be effective the date the evidence shows that the student was no longer pursuing his educational program within the meaning of the law and Veterans Administration regulations, and the policies of the school.

* * * * *

3. In § 21.4272, paragraph (d) is amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

* * * * *

(d) *Courses; measurement equivalency.* Where a semester is less than 18 weeks or a quarter is less than 12 weeks and for any term of lesser duration, the equivalent for full-time training of 14 or more credit hours or for part-time training will be measured as follows:
(1) Multiply the credits to be earned in the session by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarter hours. Divide the total by the number of whole weeks in the session. The result (quotient) will be the figure on which educational assistance allowance will be computed using the criteria in § 21.4270. For example, 6 semester hours granted in a 7-week term will be converted as follows:

$$\frac{6 \times 18}{7} = 15.4$$

semester hours. This is greater than 14 semester hours and is full-time training.
(2) In determining whole weeks for this formula, disregard 3 days or less and consider 4 or more days as a full week.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: October 23, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-12945; Filed, Oct. 29, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Subpart A—General Provisions

SPECIAL ALLOWANCES

Subpart A is amended by adding a new § 177.4 *Special allowances,* dealing with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95). Section 177.4 covers the provision of allowances with respect to insured loans to vocational students as well as to students in institutions of higher education. Section 177.4 reads as follows:

§ 177.4 Special allowances.

(a) *Prescription of allowance.* Whenever the Secretary of Health, Education, and Welfare finds the conditions set forth in the first sentence of section 2 of the "Emergency Insured Student Loan Act of 1969" are met, he may prescribe, for such period as he shall specify, and after consultation with the Secretary of the Treasury and the heads of other appropriate agencies, the payment of a special allowance to each holder of an eligible loan or loans. For purposes of this section the term "eligible loan" means a loan disbursed on or after August 1, 1969, which is insured by the Commissioner or by a guarantee agency pursuant to an agreement with the Commissioner. The amount of any such allowance and the period for which it will be paid will be prescribed under paragraph (c) of this section.

(b) *Method of payment.* The special allowance shall be payable on the average unpaid balance of disbursed principal (not including interest or other charges added to principal) and shall be paid by the Commissioner on the basis of billings submitted in accordance with such instructions as are issued for that purpose. The average unpaid balance of disbursed principal shall be determined, at the election of the holder, either (1) by adding the unpaid balance of disbursed principal of all loans outstanding on the first day of the specified period and the unpaid balance of disbursed principal of all loans outstanding on the last day of such period and dividing by 2, or (2) by adding the unpaid balance of disbursed